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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,015	07/31/2003	Hans Bodin	HT-111	9366

7590

04/27/2004

Mark P. Stone
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25 Third Street
Stamford, CT 06905

EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,015

Applicant(s)

BODIN ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/13/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. New formal drawings are required in this application because the drawings submitted were informal drawings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-15 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the

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explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 11 recites the broad recitation that the reinforcement beam is formed, at least in part, as a single hat profile, and the claim also recites said reinforcement beam extending into a double hat profile which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 8, 9, 10, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Weber (US Patent 6,302,473 in which the PCT application was published on May 20, 1999).

Regarding claim 1, Weber discloses a vehicle door inner panel comprising a front end wall (Fig. 3), a rear end wall (Fig. 3), and a comprising reinforcement beam (36) fastened

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between said end walls for transmitting force from a first door pillar to which the door is fastened to a second door pillar situated behind said door in the event of a collision, characterized in that the reinforcement beam (36) is formed, at least in part, as a single hat profile (Fig. 5), a front end of said reinforcement beam being connected to said front end wall (Fig. 3), and a rear end of said reinforcement beam being connected to the front end of said rear end wall (Fig. 3), said reinforcement beam (36) being connected to said front end wall at a location on said front end wall which is at least 5 millimeters above the location at which said rear end of said reinforcement beam is connected to said rear end wall such that the height of said reinforcement beam decreases continuously from the front end of said reinforcement beam to the rear end of said beam. Reinforcement (Fig. 3).

Regarding claim 2, Weber discloses the vehicle door inner panel as claimed in Claim 1, characterized in that the location at which said front end laid reinforcement beam is connected to said front end wall is at least 10 millimeters above the location at which said rear end of said reinforcement beam is connected to said rear end wall (Fig. 3).

Regarding claim 8, Weber discloses the vehicle door panel as claimed in Claim characterized in that the reinforcement beam (36) continuously slopes downwardly and rearwardly in a direction between said front end wall and said rear end wall (Fig. 3).

Regarding claims 9 and 16, Weber discloses the vehicle door panel as claimed Claim 1, characterized in that the inner panel (10) is adapted to be hung on a A-pillar (39) of the vehicle, and the front end of said reinforcement beam (36) is attached to, or in close proximity to, an upper hinge (5) of said inner panel.

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Regarding claim 10, Weber discloses the vehicle door inner panel as claimed in Claim 9, characterized in that the rear end of said reinforcement beam (36) is attached to the rear end wall of the inner panel in close proximity to a door lock (the application nor Weber show the door lock. However, the rear end of Weber is attached to the rear wall at a similar location as the application. Since the door is not novel, it would be inherent that the rear end is located close to the door lock.).

Regarding claim 18, Weber discloses the vehicle door inner panel as claimed in claims 1, characterized in that the front end of said reinforcement beam (36) is directly connected to the front end wall, and the rear end of said reinforcement beam (36) is connected to the rear end wall through a bracket (36').

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weber.

Regarding claim 3, Weber does not disclose that the front end of the reinforcement beam is connected to the front end wall above the midpoint of the front end wall. However, Figure 3 shows the reinforcement beam attached to the front end wall at approximately the midpoint of the front end wall. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the reinforcement beam to the front end wall above the midpoint as it would merely involve the alternate utilization of an equivalent attachment location to achieve the same exact function of providing a lateral crash bar diagonally along the inner panel.

11. Claims 4-7, 11-15, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber (US Patent 6,302,473 in which the PCT was published on May 20, 1999) in view of Passone (US Patent 6,641,207 in which the PCT was published on January 18, 2001).

Regarding claims 4, 11 and 17, Weber discloses the vehicle door inner panel of claims 1 and 16. Weber does not disclose that the single hat profile extends into a double hat profile.

Passone discloses a reinforcement bar for a vehicle which includes a single hat profile which extends into a double hat profile (Fig. 9).

Regarding claims 5 and 13, Passone discloses a curve in the transition region between the single hat profile and the double hat profile (Fig. 9).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to make the reinforcement beam include a double hat portion as taught by Passone. The motivation would have been to make the reinforcement beam have a higher strength and rigidity.

Regarding claims 6, 7 and 14, it would have been obvious to one of ordinary skill in the art at the time of the invention to connect the reinforcement beam in such a manner that the closed ends of the single hat profile and the double hat profile face into the vehicle since the double hat structure would provide adequate intrusion protection in either direction.

Regarding claim 12, Weber as modified does not disclose that the front end of the reinforcement beam is connected to the front end wall above the midpoint of the front end wall. However, Figure 3 shows the reinforcement beam attached to the front end wall at approximately the midpoint of the front end wall. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the reinforcement beam to the front end wall above the midpoint as it would merely involve the alternate utilization of an equivalent attachment location to achieve the same exact function of providing a lateral crash bar diagonally along the inner panel.

Regarding claim 15, Weber discloses the vehicle door panel as claimed in Claim characterized in that the reinforcement beam (36) continuously slopes downwardly and rearwardly in a direction between said front end wall and said rear end wall (Fig. 3).

Regarding claim 19 and 20, Weber as modified disclose the vehicle door inner panel as claimed in claims 11 and 16, characterized in that the front end of said reinforcement beam (36) is directly connected to the front end wall, and the rear end of said reinforcement beam (36) is connected to the rear end wall through a bracket (36').

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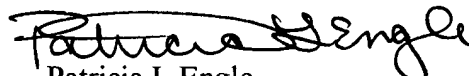
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record discloses other door reinforcements for vehicles.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patricia L Engle
Examiner
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April 23, 2004